

THE SECRETARY OF STATE
WASHINGTON

APR 24 1962

Dear Mr. Speaker:

Rapid, secure and dependable communication between the Department of State and American diplomatic and consular posts abroad is essential to the conduct of United States foreign policy. This fact increasingly is true due to the accelerating pace of international negotiations and our need to obtain multilateral solutions to foreign policy problems. Many posts abroad now must rely upon commercial telegraph facilities, usually controlled by local governments which often are communist dominated. In addition to the difficulties thus encountered in daily operations, internal uprisings and disruptions of international relationships frequently interrupt these commercial facilities at the very time our communication needs are most acute.

The most satisfactory solution to this problem is use of radio transmitters located in our missions abroad. We are severely restricted in the use of such facilities because the Communications Act of 1934 does not permit granting of reciprocal privileges to foreign governments. The Communications Act provides that aliens and representatives of foreign governments may not be licensed to operate radio transmitting stations in the United States. Consequently, many governments will not permit us to operate radio transmitters in their countries.

Principal considerations opposing the granting of reciprocal radio transmitting privileges to representatives of foreign governments in the United States are:

1. Potential loss of revenue to American carriers.
2. Facilitation of transmission of intelligence from the United States by foreign governments.
3. Frequency and interference problems for

The Honorable

John W. McCormack,

Speaker of the House of Representatives.

other

-2-

other radio services in the United States.

There is considerable evidence to indicate that the advantages to be realized by this government in operating its own radio transmitters abroad materially outweigh the possible disadvantages. Treating them in order, it does not appear that American carriers would suffer significant losses of revenue. The amount of business diverted from American carriers would be small as limitations on power, operating hours and frequencies of foreign government operated transmitters would not permit diversion of a large volume of traffic. ?

As to intelligence considerations, the use of diplomatic radio facilities can be interpreted merely as a modern extension of the time-honored privileges of the diplomatic pouch. The pouch normally enjoys complete immunity from inspection and, with present international air schedules, offers a very rapid channel for transmission of practically unlimited quantities of intelligence material. The foreign missions have open access to international telegraph service and in some instances are in position even to lease international radio or cable channels from the carriers and thus gain all the advantages of speed through direct telegraphic transmission. Additionally, it is contemplated that a bilateral agreement would be negotiated with a foreign government only after it has been carefully determined that a net gain would accrue to the United States.

While there are frequency and interference problems, with the low power permitted and the low volume intermittent transmission to be expected, they are not insoluble. This is confirmed by the fact that such networks are operated extensively throughout the rest of the world without any serious complication.

I believe that it is in the national interest to amend Section 305 of the Communications Act of 1934 to permit granting of reciprocal privileges to selected foreign governments for operation of radio transmitters in their missions in the United States when in the opinion of the

President

-3-

President such action is warranted. A draft of the proposed amendment is enclosed.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress.

Sincerely yours,

Dean Rusk

Dean Rusk

Enclosure:

Draft of Amendment to
Communications Act.

A BILL

To Amend Section 305 of the Communications Act
of 1934, as Amended

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled:

Section 305 of the Communications Act of 1934, as amended, is further amended by addition of a new section "d" as follows:

Proposed
"(d) The provisions of Sections 301 and 303 of this Act notwithstanding, the President may authorize a foreign Government, under such terms and conditions as he may prescribe, to construct and operate at the Seat of Government of the United States a low-power radio station in the fixed service at or near the site of the Embassy or Legation of such foreign Government for transmission of its messages to points outside the United States, where he determines that the authorization would be consistent with the national interest of the United States and where such foreign Government has provided substantial reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction. Foreign Government stations authorized pursuant to the provisions of this subsection shall conform to such rules and regulations as the President may prescribe. The authorization of such stations, and the renewal, modification, suspension, revocation or other termination of such authority shall be in accordance with such procedures as may be established by the President and shall not be subject to the other provisions of this Act or of the Administrative Procedure Act."

S.2361

In the Senate of the United States August 1, 1961

Mr. Goldwater (for himself and Mr. Schoeppel) introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To amend sections 303 and 310 of the Communications Act of 1934 to provide that the Federal Communications Commission may, if it finds that the national security would not be endangered, issue licenses for the operation of an amateur station to certain aliens for any temporary period, not in excess of three years.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (1) of section 303 of the Communications Act of 1934 (47 U.S.C.303) is amended--

(1) by inserting "(1)" immediately after "except that"; and

(2) by adding before the semicolon at the end of such clause a comma and the following: "and (2) upon a finding by the Commission that substantially similar privileges are granted to citizens of the United States while in the foreign state of which an alien is a citizen or to which an alien owes permanent allegiance, the Commission may, if it finds that the national security would not be endangered, (A) issue a license for the operation of an amateur station to any such alien it finds qualified for any temporary period, not in excess of three years, and (B) revoke summarily any such license, notwithstanding any other provision of this Act relating to revocation of station licenses".

Section 2. Subsection (a) of section 310 of the Communications Act of 1934 is amended by striking out the last sentence and inserting in lieu thereof the following: "Notwithstanding paragraph (1) of this subsection, (A) a license for a radio station on an aircraft may be granted to and held by a person who is an alien or a representative of an alien if such person holds a United States pilot certificate or a foreign aircraft pilot certificate which is valid in the United States on the basis of reciprocal agreement entered into with foreign governments; and (B) upon a finding by the Commission that substantially

similar privileges are granted to citizens of the United States while in the foreign state of which an alien is a citizen or to which an alien owes permanent allegiance, a license for an amateur radio station may be granted to and held by any such alien the Commission finds qualified, if the Commission finds that the national security would not be endangered thereby."